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PROCEEDINGS

PROCEEDINGS OF THE MID-WINTER MEETING

The Mid-Winter meeting of the Indiana State Bar Association was held at the Lincoln Hotel, Indianapolis, March 14, 1942.

Saturday Morning Session

The first session was called to order at 10:45 a.m., President Carl Wilde, presiding.

Addresses of welcome were given by Mr. B. Howard Caughran, President of the Indianapolis Bar Association, and Mr. Harold R. Woodard, President of the Lawyers' Association of Indianapolis.

Mr. Chase Harding of Crawfordsville responded for the Association.

President Wilde then called for reports from the Association's committees.

THE BUDGET COMMITTEE

Verne G. Cawley, Chairman

The chairman reported that the committee had presented its recommendations to the Board of Managers, that the report had been approved, and that in the future the Association's accounts would be carried on a fiscal year basis from July 1 to June 30 of each year.

COMMITTEE OF JURISPRUDENCE AND LAW REFORM

Edmund L. Craig, Chairman

A number of you know that we have in this state what is known as the Indiana Committee on the Improvement in Judicial Procedure of the American Bar Association.

That Committee in July of last year adopted a report as applied to Indiana practice. As I understand it, they didn't recommend a report of the general committee on that subject of the American Bar Association, but changed that slightly to apply to our Indiana conditions.

Now, in their report, a copy of which I have in my hand, they covered several topics: evidence, practice before administrative agencies, and appellate practice.

It was suggested to our committee that we take up only one of these subjects that was adopted in the report of the American Bar Association committee, so we will ignore everything in that report except appellate practice, and in order that our committee might have as broad a view of this question as possible, we had a meeting last evening of the Indiana Judicial Council, the Indiana Committee on the Improvement of Judicial Practice, and our committee—we all met together at dinner and we thrashed out and thrashed over these different questions until after nine o'clock last evening.

Then your committee of which I happen to be Chairman, adopted that part of the report of the ABA committee referring to appellate practice, and in addition a suggestion was made by Dean Gavit, Secretary of the Judicial Council, and we also incorporated that in our report.

The Committee recommends that bills of exception be not abolished, as they are simply one form of getting evidence before the reviewing court. We believe that the Indiana practice which requires this evidence to be certified by the trial judge is sound and desirable and should be continued, with power to correct omissions and errors, such as is granted to Federal District Courts by Rule 75 (h) of the Federal Rules of Civil Procedure.

As to abolishing of assignments of error: we believe this should be done and that Rule 2-6 of our Supreme Court should be supplanted by provisions for appeal hereinafter recommended. We strongly feel that an appealing party should not have the traditional burden upon him of actually naming in his paper every party to the record, but all parties should be bound by the notice of appeal hereinafter mentioned. We recommend that a Statement of Points be filed with the Notice of Appeal, such as is required by Rule 75 (d) of the Federal Rules of Civil Procedure, but that such statement be filed in all cases regardless of whether a part or all of the record is designated. The rule should provide that an appeal is taken when notice and designation have been filed in the clerk's office; that delay or omissions on the part of the clerk or judge in fixing bills of exceptions shall not prejudice the appealing party.

It is also recommended that instead of the conventional motion for new trial, the losing party be required to file in the trial court, within twenty (20) days after verdict or

decision, a statement of all errors alleged to have occurred at or before the trial upon which he would predicate an appeal if one be taken; that this statement shall be called to the attention of the court or judge, if in vacation, at the time of filing; that the judge may thereupon hear argument and decide whether a new trial should be granted. Such decision shall be made within thirty (30) days after the filing of the points, and may be in term-time or vacation. If no ruling is made within thirty (30) days, the cause shall be treated as though a new trial had been denied, and the aggrieved party will then be required to take steps to appeal, if an appeal be desired, in all respects as he would have done had the trial court made a ruling denying a new trial. This plan will prevent trial courts from carrying motions for new trials indefinitely, as is frequently done under the present practice.

It is recommended that the Supreme Court adopt a rule to the effect that where an appellee files a motion to dismiss an appeal, the time for filing his brief shall upon petition be extended to a date thirty days beyond the date of overruling the motion to dismiss. We believe the Court has power to make this rule even on appeals from the Industrial Board and that it will tend to eliminate unnecessary expense of briefing on the part of appellees. (Of course, where the appeal is dismissed.)

As to narration or printing of the record: although the printing of the record as defined in the Federal Courts has never been required in Indiana, we believe the rule of the Fourth Circuit Court of Appeals is the correct one if printing be required in any event, and should be adopted in spirit by other courts using printed records. But the Committee believes the Indiana practice of summarizing the record in the forepart of the appellant's brief is a practical method of presenting the cause to a reviewing court. We believe, however, that as the rule is actually understood and used in Indiana, appellants frequently go far beyond the requirements and purpose of the rule in summarizing and printing the evidence. We believe the purpose and spirit of the rule is to have just enough of the record included in the brief to present the question, and not necessarily to include the testimony of all witnesses or print all exhibits; that the work of attorneys, and of the court as well, would be expedited by a proper observance of the spirit of the rule.

As to simplification of appellate practice: the Committee believes that much can be done. Mention has already been made of the proposal to abolish assignments of error as now known and used in this state. We recommend the adoption of the substance of Rules 73, 74, 75 and 76 of the Rules of Civil Procedure for District Courts of the United States in lieu of Rules 2-3, 2-4, 2-6 and 2-8 of the rules adopted by the Supreme Court of Indiana, effective September 2, 1940.

Now, at this point I want to read the recommendation of the secretary of the Judicial Council which our Committee adopted last evening:

That the period of time provided for doing any act or taking any proceeding should not be limited or affected by the expiration of a term of court, and that the expiration of a term of court should in no way affect the power of a court to do any act or take any proceedings in any action pending before it.

The Committee believes that the adoption of these rules will tend to the simplification of appellate practice and permit appealing attorneys to devote their time almost exclusively to the merits of the appeal without entertaining any misgivings or lurking fears as to the sufficiency of the record.

We believe that while much has been done in recent years to remove some of the technical burdens from appeals, and the Court has liberalized existing rules where possible, yet the committee respectfully submits that much yet remains to be done, and further believes that the Federal rules, such as we have mentioned, are a distinct improvement over the present Indiana rules covering the present Indiana rules covering the same subject matter.

Mr. President, I move the adoption of the report of the Committee.

The motion on the adoption of the report was seconded and carried.

JUDGE PELL: I want to ask a question as a matter of information. Does the adoption of a report mean that the Association concurs with everything in the report?

PRESIDENT WILDE: It seems to me to be so.

JUDGE PELL: There are some things that I could not

agree with in the report, and I think others feel the same way. I move that the motion be reconsidered.

The motion was seconded and carried. The vote was 34 in favor of the motion of reconsideration and 26 opposed.

MR. STEER: Mr. President, I move that the report be accepted and filed, and that it go over for consideration at the annual meeting.

The motion was seconded and carried.

COMMITTEE ON AMENDMENTS TO BANKRUPTCY ACT

Frank C. Olive, Chairman

In this committee's last annual report we recommended and this association adopted a resolution asking Congress to delay action on H. R. 4394. Since that time, we have, together with the Commercial Law Section of the American Bar Association held conferences with the Attorney General's Committee and the sub-committee of the Judiciary Committee. As a consequence many amendments were made and the House of Delegates of the American Bar Association now recommends that H. R. 4394 as amended be enacted.

That, gentlemen, is the status of that bill. It provides for tenure and security of office of the referees. They are now appointed for a two-year term. This provides for a six-year initial term and for re-appointment unless after a hearing, it is decided that they are not fit or that for some other reason they should not be appointed.

Recently a law was enacted providing for the appointment of an administrator of the federal courts. That officer was appointed, I think, by the Supreme Court of the United States. He has quite an organization now, and Mr. Covey, of Illinois, a former referee, has been put in charge of the subdivision of that office, relating to the administration of referee's offices. He will have a sufficient corps of investigators to go out and make more frequent checkups on referee's offices, and just as they do on clerks' and judges' offices. The main purpose is to expedite the work and reduce the expenses of administration of the referee's office.

Personally I have no recommendation to make at this time.

It was moved, seconded, and carried that the report be received.

COMMITTEE ON ADMINISTRATIVE LAW

William H. Hill, Chairman

PRESIDENT WILDE: Senator Hill is ill and is unable to be here. He has asked that he be relieved of the duties of Chairman and the Board of Managers last night reluctantly acceded to his request. Mr. Isidor Kahn of Evansville will assume the chairmanship of the committee and Senator Hill will continue on as a member.

ADDRESS OF MR. FRANK M. DRAKE
OF LOUISVILLE, KENTUCKY

Mr. Frank M. Drake of Louisville, Kentucky, Chairman of the Committee on Advanced Legal Education of the American Bar Association, delivered a most interesting and illuminating address on the subject: "District Bar Organization." Mr. Drake pointed out that it is necessary, in order to have an effective state bar organization, to have the cooperation and interest of the lawyers in the rural districts and the small cities as well as those in the larger urban centers of population. He pointed out that the fostering of interest in district organizations must be a state bar association activity because, if it disintegrates into small groups, there will be organizations in some districts and in others such organizations will have little or no activity. He pointed out further that the best way in which to bring about integration of the bar is by creating and maintaining good public relations and that such relations are best developed by means of district bar organization.

District meetings in the less populous sections of the state constitute news items of intense interest, much more than they do in metropolitan centers. Thus the public is made aware that most bar activities are directed, not to the advancement of the selfish interests of the profession, but to the betterment of the service of lawyers and to the public good. The enactment of legislation in which lawyers are interested, such as the integration of the bar, for example, is brought about when the idea is properly presented and sold to the lawyers all over the state; and it is impossible to bring about such legislation through the efforts of a little committee of city lawyers.

Mr. Drake pointed out that in district bar organization work, the entire state should be covered and that the most

valuable results are reached in the remoter sections where greater difficulty is encountered in arranging for and supervising the meetings. In this connection Mr. Drake said:

"Blanket your state, no matter how few you may have attend any particular meeting or how hard it may be on speakers of that meeting to address that small group.

"Give every lawyer in your bar an opportunity to understand and participate in bar organization activity and let him and his home folks find out what bar organization can do for him and his people."

Mr. Drake particularly emphasized the necessity of interesting the younger lawyers in bar organization work. In any long-range program, he suggested, the interest of the younger lawyer is an absolute essential. By strengthening bar organizations and broadening the scope of their work, lawyers will be better enabled, not only to help win the war, but to preserve in this country those principles of self-government that have been the greatest aid to civilization long after our soldiers are home from the wars.

COMMITTEE ON LEGAL EDUCATION

Bernard C. Gavit, Chairman

The war situation has affected law school enrollment and law school programs more than any other field of education. Law school enrollment throughout the country this past fall showed a decrease of 21.9%. In the state of Indiana the four law schools reported enrollments as follows: Indiana Law School, Indianapolis, 146 as against 145 for 1940; the University of Notre Dame 80 as against 105 for 1940; Valparaiso University 22 as against 25 for 1940; Indiana University School of Law 110 as against 152 for 1940. For the second semester recently begun the enrollment are as follows: Indiana Law School, 85; Notre Dame, 74; Valparaiso, 22; Indiana University, 71.

It is apparent that this decrease will continue and that by next fall the number of law school students enrolled in the schools of this state probably will not exceed 25% of normal.

The Association of American Law Schools at its annual meeting in December took action permitting member schools to grant credit to students leaving to enter military service and it is expected that the Council of Legal Education of the American Bar Association will take similar action at a meet-

ing to be held this spring. The Association, however, took affirmative action prohibiting any relinquishment of minimum entrance and graduation requirements, and the American Bar Association has taken similar action.

On December 22, 1941, the Supreme Court of Indiana promulgated a new rule as follows:

Rule 3-14a. During the period of the war in which the United States is now engaged, students of accredited law schools, as described in these rules, who have or shall become members of, or who have been or shall be ordered to report for duty in the military or naval forces of the United States before having an opportunity to take the bar examination next following their graduation, shall be admitted by this court without examination by the Board of Law Examiners, upon certificate of the dean of the law school that such student has met the requirements for graduation by that school. The admission will be subject to all other requirements of these rules.

It will be observed that this Rule still requires graduation from an accredited law school as a condition precedent to admission and relinquishes the requirement as to the bar examination only in favor of graduates who enter military service without a fair opportunity to take the bar examination. The action was taken after a joint meeting with the members of the Court, of the Board of Law Examiners and representatives of law schools. So far there has been no disposition to modify the minimum admission requirements.

It is the judgment of the Committee on Legal Education that the present action adequately takes care of the emergency situation and that the Bar Association should go on record as being opposed to any further relinquishment for the standards for admission in this state.

The Committee therefore recommends that the Association express to the Supreme Court again its complete accord with the present rules for admission and the work of the Board of Legal Examiners and the Supreme Court in this field and that the present standards for admission (except as modified by Rule 3-14a) should be maintained despite the war situation.

The report and recommendations were moved, seconded, and approved.

COMMITTEE ON PUBLIC RELATIONS

George W. Henley, Chairman

The legal profession is appraised to a large extent by the public's evaluation of the bench. A dishonest or weak judiciary would damn us more quickly and completely than any other factor. Fortunately judicial dishonesty is almost non-existent by comparison with other classes of public officers. Judicial weakness is much more likely to occur. Your committee, therefore, proposes to adopt a realistic and practical attitude with respect to the coming primary, conventions and elections, and, working through the official organizations and lay-leaders of the two major parties, encourage the selection of state and county judicial candidates of unquestionable ethical standards and outstanding legal ability with ample capacity for the exacting and difficult work of a judge.

The public is inclined to blame the legal profession for bad laws passed and good bills not passed by the General Assembly. Your committee, therefore, proposes that it will actively cooperate with the Legislativa committee of the Association in aiding the General Assembly in promptly rejecting the customary plethora of unwise legislation, and as promptly adopting sensibly conceived legislation for the betterment of our state. The Legislativa committee, unheralded and unsung, has done a fine job. A little help from a committee looking directly at the legislative problem through the eyes of public relations would no doubt be welcomed by it.

This committee recognizes the reflected benefit to the profession of the series of dignified advertisements of the Lawyers Co-operative Publishing Company and Bancroft-Whitney Company appearing in national magazines which have for their purpose the rebuilding of public confidence in the legal profession. The routine is along the lines pioneered by drug companies in relation to the medical profession and was suggested to the law publishers as early as 1937 by Judge Benjamin E. Buente, of Evansville, Indiana. The Committee expresses its appreciation to these two publishing houses for this gesture of good will.

Finally, the committee recognizes the ultimate importance of the present defense program and war. This committee enthusiastically commends the fine work of the Defense committee in its prompt provisions for furnishing free legal aid to members of our armed forces and their families

with particular reference to rights arising under the federal Soldiers and Sailors Relief Act. Your committee proposes to set up machinery for publicizing the availability of the Defense committee's efficient organization and service throughout the state, to the end that our soldiers, sailors and marines, and their families, will know that this service is available and where, when and how it can be obtained without cost to them—through the cooperation of lawyers.

The motion for the adoption of the report was seconded and carried.

JUDGE BUENTE: I wonder if we might move that the Secretary address a communication to those two publications, the Lawyers Co-operative Publishing Company and Bancroft-Whitney Company, for appreciation of what they are doing?

The motion was seconded and carried.

COMMITTEE ON MEMBERSHIP

James R. Newkirk, Chairman

We got started a little late on membership. However, as we got our organization set up it included several young lawyers, and they have been drafted, so I have had to reorganize. We are doing as well as we can. Tom Batchelor advised me that he had dropped two hundred members from the roll, and, of course, that is a deficit to begin with.

However, we have obtained 24 new members, and there is a meeting of the Membership Committee today noon in the Empire Room of the Claypool Hotel to consider plans for procuring additional members.

The morning session adjourned at 12:25 p.m.

Saturday Afternoon Session

The meeting was called to order at 2:30 p.m., President Wilde presiding.

Resolutions expressing the best wishes of the Association for the speedy recovery of William H. Hill of Vincennes and T. B. Cunningham of Kentland who were unable to attend because of serious illness were unanimously adopted.

A telegram of greetings and best wishes for a speedy recovery was sent to President Armstrong of the American Bar Association who was ill.

COMMITTEE ON INTEGRATION OF BAR

Henry M. Dowling, Chairman

As authorized by the Association your Committee has prepared eight articles on bar consolidation for publication in the *Indiana Law Journal*. Two of these articles have already appeared and the rest will be published in successive issues during 1942 and early 1943.

We have also procured, through the American Judicature Society, 2,000 copies of a document containing appraisals of the integrated bar by Judges of the highest courts of approximately one-half of the consolidated bar states. These opinions are based upon observations of the actual working of integration and constitute a powerful argument for the practical standpoint, in favor of such organization. It is proposed to mail these pamphlets throughout the state during the present year, sending them primarily to members of this Association, with remaining copies to county bar associations for local use.

Your Committee is working on a proposed statute for introduction at the General Assembly of 1943, differing from the short form heretofore submitted, which placed the responsibility of original organization largely on the Supreme Court. The new form will be along the line successfully used in California and many other states, where the details of the organization are provided for by the legislature itself, and little, if any burden is placed on the Supreme Court. This suggested Act will be submitted in due time, to your legislative committee for its consideration.

The motion for the adoption of the report was seconded and carried.

COMMITTEE ON AERONAUTICAL LAW

Irvin M. Fauvre, Chairman

The committee has outlined its work to include, first, conferences and exchange of opinions with other Bar Association committees, both State and National, State and Federal aeronautical agencies and organizations representing the aviation industry; 2nd, necessities for revision of Indiana aeronautical laws; 3rd, recommendations to this association on proposed aeronautical legislation.

In Indiana we have a number of statutes affecting the general subject of aviation. We have laws concerning air-

ports, covering their establishment, organization and financing. The Indiana Legislature, in 1927, also passed a law similar to the Uniform State Aviation Law of 1922. Among other things, this law provides that the operator of aircraft should be absolutely liable for all damage to person and property on the ground, but other liability, such as injury to persons not on the ground, passengers, collisions and other liabilities should be controlled by the ordinary rules of negligence. As aviation activities developed many persons contended that the 1922 Uniform Aviation Law was not adequate. In 1935, at the conference of Commissioners on Uniform State Laws, a Uniform Liability Act was proposed which provided, among other things, that aircraft owners and operators should be absolutely liable for the injuries to passengers with a maximum liability of \$10,000.00.

In 1939 a Federal Aviation Liability Act was proposed by the Air Transport Association of America. This act, among other things, provided that airplane operators should be liable for injury or death to passengers which resulted from wilful misconduct or failure to exercise the highest degree of care in the operation of the aircraft. The extent of liability for injury or death was limited to \$10,000.00.

The Civil Aeronautics Administration has prepared a report on this proposed legislation and was preparing to submit the same to Congress when war was declared last December. Following the declaration of war it was thought advisable for all concerned to withhold recommendation on any proposed legislation at this time.

In December the Office of Civilian Defense organized throughout the country what was known as the Civil Air Patrol. It is organized for the purpose of regulating and controlling civilian aviation throughout the United States during the period of the Emergency. Realizing the many problems with which this organization would be confronted, both legal and of administrative nature, this committee, with the approval of Mr. Wilde, President of the Association, offered its services to Walker W. Winslow, the Commander of the Indiana Wing of the Civil Air Patrol, and our offer was very gratefully accepted.

Since that time our committee has taken a very active part in assisting the Civil Air Patrol in perfecting its organization.

For the time being it is thought best to withhold any specific recommendations on proposed legislation, though we are keeping in touch with legislative reforms and suggestions sent out by organizations.

PRESIDENT WILDE: The report requires no action; it will be received and filed.

COMMITTEE ON NATIONAL DEFENSE

Jeremiah Cadick, Chairman

Your Committee reports that its organization has been completed by the appointment of ten District Chairmen in each of the Congressional Districts of the State except the eleventh district, which includes Marion County, and the appointment by the District Chairmen of at least one local Committeeman in each of the County seats of the State. By reason of the volume of work of the Committee in the more populous districts, more than one local Committeeman has been appointed, the number of Committeemen appointed roughly corresponding to the number of local Selective Service Draft Boards. There are now in active service, as members of the Committee, 10 District Chairmen and 115 local Committeemen.

It is generally conceded that no group of our citizens is making a greater contribution to the war effort as individuals, and as citizens, than members of the Bar. The activities of lawyers as individuals affect almost every phase of the war effort, including the furnishing of manpower and the procurement of supplies.

There is another phase of the war effort which is equally necessary and which your Committee believes to be the concern of the organized Bar as an organization and this relates to preservation of the public morale and faith in the democratic processes at home and activities of this Committee have been in this direction. Since the organization of the Committee, its principal activities have related to the giving advice to members of the armed forces and their dependents where legal advice is needed but not otherwise available. This advice, in most cases, relates to the rights of service men and their dependents under the Soldiers' and Sailors' Civil Relief Act of 1940. In a large number of cases the applicants for assistance to go first to their local Draft Board and are

referred by the Draft Board to the member of our committee in that community. Complete statistics on the number of cases which have been so handled by this Committee are not available but the partial reports which have been made indicate that service has been rendered in a large number of cases.

The Committee has also been able to engage in another activity which is considered highly important. This relates to the nomination of responsible members of the Bar to serve as Government Appeal Agents with the Local Draft Boards. Those in charge of the administration of the Selective Service Act consider the Government Appeal Agent the most important single official connected with the administration of the Act and great care is used in their selection. Since the organization of the Committee, all Government Appeal Agents or Associate Appeal Agents appointed in Indiana have been nominated by this Committee.

As the war continues the efforts of the civilian population must increase and the opportunity for service of the Committee increases proportionately. As part of this expanding civilian activity, Colonel Beckwith, Chairman of The Committee on War Work of the American Bar Association has recently requested the cooperation of all State Bar Association Committees with the National Citizenship Education Program. This program is concerned with the training of the alien population for citizenship. There are approximately 42,000 such aliens in this State. Mr. Clement T. Malan, State Superintendent of Public Instruction, is the Indiana Chairman of this Committee and has requested the services of our Committee in furnishing speakers to appear before citizenship classes and speak upon the organization of our Government, the Constitution and other related subjects. Needless to say, the full cooperation of the Committee has been promised and will be available.

Your Committee has given thoughtful consideration to what, if anything, can be done to protect the practice of a lawyer who joins the armed forces and who has no partner or office associate to serve his clients during his absence. No satisfactory solution for this difficult problem has been found but, in accordance with the recommendation of the Committee of the American Bar Association, your Committee recommends that Indiana State Bar Association recommend

to each local Bar Association that it form a Committee on Conservation of Practice and that your Committee of the Indiana State Bar Association be empowered to recommend to the Committees of the local Bar Association a general practice to be followed in dealing with the business of a lawyer who has entered the armed forces.

The Committee further recommends, in the light of changed conditions since the time of its creation, that its name be changed to "Committee on War Work."

Mr. President, I make the following motions:

First—That the report of your Committee on National Defense be approved and adopted.

Second—That the Committee now known as "Committee on National Defense" hereafter be known as "Committee on War Work."

Third—That this Association recommends that each local Bar Association appoint a committee on Conservation of Practice and that the Committee on War Work of Indiana State Bar Association is empowered to recommend to the Committees of the local Bar Associations a general practice to be followed in dealing with the affairs of lawyers who have entered the armed forces.

The motions were seconded and carried.

ADDRESS OF CHARLES E. WATKINS

The program had scheduled an address by Clarence A. Jackson, Indiana State Director of Defense. Illness prevented Mr. Jackson from being present but Mr. Charles E. Watkins, Educational Director of the American City Bureau of New York and Chicago and, for the time being, attached to the Staff of the State Defense Committee, spoke in Mr. Jackson's stead. In an address characterized by a plan straightforward description of the situation in which our country stands at present Mr. Watkins, a very able and eloquent speaker, pointed out what civilians may do to aid the war effort. He showed how detrimental to that effort anything along lines of group interests might be. He made it clear also that this war is being fought on the assembly lines of American industry as well as on the combat front.

Mr. Watkins stated emphatically that we must no longer be on the defense but that the active prosecution of an offensive war must become the chief business of every citizen.

He advised everyone to keep in close touch with his County Council of Defense. He said that every person can do some one thing better than someone else and that it is the task of the State Council of Civilian Defense to find the person who can best do a particular job. "This war," said Mr. Watkins, "is in a state where it can be lost and where it can be won, and the answer is not with the President, not with Donald Nelson; the answer is with the great composite force of American free men and American organizations and American genius."

At the conclusion of Mr. Watkin's address President Wilde asked him to take a message back to the State Director of Civilian Defense, that if there is any task to which the State Defense Council can assign The Indiana Bar Association, no matter how large it may or how small, the Association is willing to perform it.

ADDRESS OF LEO M. GARDNER

One of the highlights of the Mid-Winter Meeting was the address of Leo M. Gardner of the Indianapolis Bar, formerly legal adviser to High Commissioner to the Philippines, Paul V. McNutt. Mr. Gardner graphically described the Philippines and the Filipinos, the racial and political conflicts and problems which obtain in the islands, their significance in the Far East situation, and the course of events since the Japanese attack which has resulted in the present military situation.

Without discounting the possibility that the guns of Corregidor may be silenced, Mr. Gardner showed that even then the Japanese will still have a task before them if they undertake to capture the fortress. He stated that to him the bright spot in the Philippine campaign, in addition to the sheer magnificence and daring of the defense itself, is the fact that General MacArthur has fought the battle in the manner and at the places our armed forces long ago planned to fight them. "Bataan," said Mr. Gardner, "had been chosen as the battleground even before 1938. The campaign has taken the form that had been anticipated. The pincer movement of the Japanese had been foreseen. The fall of Manila had been considered inevitable and occasioned no surprise. It was a remarkable feat which General MacArthur ac-

complished in drawing his southern forces into the Bataan peninsula without having that army cut off."

Particularly interesting was Mr. Gardner's discussion of the various personages who play major parts in the political life of the Philippines. He described the various leaders who are taking part in the puppet state which the Japanese have recently created at Manila. The Japanese are attempting, by reviving old feuds and racial hostilities, to bring about the dissension and division which will enable them to obtain their objective.

Mr. Gardner discussed the Filipino campaign for independence and the modification of the ideas of some of their leaders on this subject in some detail. The conclusion of his address was as follows:

"While we are not in the war because of the Philippines, we cannot conclude the war in disregard of the Philippines. President Roosevelt has reaffirmed the promise of this nation to give the Filipinos independence. By implication at least, he has agreed to give the nation independence at the close of this war. How shall we give it to them? Shall we give it to them as a nation cut adrift from our economic strength? Shall we give it to them as a nation cut adrift from our military strength? What bearing will the Atlantic Charter have on these questions?

"The Filipinos are a civilized but an Oriental people. As a people they can never become a part of this nation. As a territory the land is a part of Asia.

"I conclude with the question, 'What part shall we allow the Republic of the Philippines to play in the readjustment to come in Asia and in the foreign policy with respect to Asia which this nation must re-examine and, assuredly, recreate?'"

THE YOUNG LAWERS' SECTION

Charles G. Bomberger, Chairman

During the past year the activities of this Section were directed largely to promotion of the Integrated Bar movement. It is our belief that during the current year we can give more stimulus to that movement by directing our efforts toward increasing the voluntary membership of the Association and by enlarging our activities in other respects than by any direct promotion. We may thus be able to supplement in some small measure the vigorous efforts of Mr. Henry M. Dowling, Chairman of the Committee on Integration.

Accordingly, and being mindful of the objectives of

the Section as provided by Article XII-B of the by-laws of the Association, we have undertaken the following program:

1. At the request of Mr. Newkirk, Chairman of the Membership Committee, this Section has assumed the responsibility of obtaining memberships from the newly admitted members of the Bar. In addition, many members of the Section have been appointed to the Membership Committee.

2. Although we have continued the practice of giving luncheons in honor of the newly admitted members of the Bar, it is our belief that our activities in this respect should start at an earlier date. Therefore, we have formed a Committee on Relations with Law Students, through which it is planned to have members of the Section meet with the students in the various law schools of the state to discuss various matters from the viewpoint and experience of the younger lawyer. This plan is in its early stages but with the expressions of cooperation and enthusiasm already received, it may become a permanent part of the program of this Section.

3. District or regional meetings of young lawyers, including both members and non-members of the Association, are being planned and some have been held. They may take the form of dinner meetings or legal institutes, depending upon the situations in the various localities. The details in respect thereto are left within the discretion of the Council Members for the respective districts.

The Section, as such, has not undertaken any definite program with regard to our war efforts. However, our members are being called into the service in increasingly large numbers and many others are taking active part in various activities in their home communities.

The enthusiasm of our Executive Council and other Section members is a definite indication that tangible results will be obtained before the end of the year.

COMMITTEE ON ADVISABILITY OF SECTIONS

Clarence R. McNabb, Chairman

As yet there have been no requests for the creation of a section within the State Bar Association. Your committee, however, has been in contact with and in fact appeared before the Judges' Association last evening with a view of creating a judicial section of our Indiana State Bar Associa-

tion, and that we hope that negotiations will be launched presently with a view of creating ultimately a judicial section of our State Bar Association.

Our committee is receptive to the consideration of any group of lawyers, especially interested in any branch of the law, who are desirous of requesting the creation of a section within our State Bar Association.

It was moved, seconded and carried that the report be approved.

COMMITTEE ON INDIANA LAW JOURNAL REFERENDUM

President Wilde, reporting

The special committee appointed pursuant to a motion made by President O'Byrne in connection with his annual address, for the purpose of conducting a referendum of the members of the Association concerning certain matters referred to in the annual address, reports as follows:

There were eight hundred and twelve (812) ballots cast, of which four (4) expressed no preference.

Upon a canvass of the ballots it was found that preferences had been indicated as follows:

As to supervision, five hundred and ten (510) ballots were cast in favor of continuing the publication under the same editorial supervision as at present, and two hundred and eighty-four (284) were cast in favor of a journal edited and published solely by The Indiana State Bar Association, without editorial supervision from any law school.

In indicating their preference as to form and content the members casting ballots indicated their preferences as follows:

In favor of a journal devoted exclusively to bar association and professional news23;
In favor of a journal devoted exclusively to legal subjects, review of decision, and the like.....148;
In favor of a combination of both of the above types 627.

It appears, therefore, that a little more than sixty-four per cent (64%) of the ballots were cast in favor of continuing the same editorial supervision as at present, and slightly less than thirty-six per cent (36%) in favor of having the journal edited and published solely by the Association without editorial supervision from any law school. The prefer-

ence indicated as to form and content was overwhelming, over seventy-eight per cent (78%) of the ballots indicating preference for a journal combining association and professional news with articles on legal subjects, reviews of decisions and the like.

The ballots are being preserved in the office of the Secretary pending direction of their disposition by the Board of Managers or by the Association. The committee having discharged its function asks that this report be received, and that the committee be discharged.

A motion to discharge the committee according to its request was seconded and passed.

The afternoon session adjourned at 4:25 p.m.

SATURDAY EVENING SESSION

Mid-Winter Banquet

Introduction of guests.

Address of Colonel Beckwith.

Adjournment.

THE BOARD OF MANAGERS

At its meeting held March 13th the Board of Managers appointed two important committees.

The committee to prepare a bill proposing an amendment to the Indiana Statutes on Perpetuities was appointed. The membership of the committee is: Verne G. Cawley, Elkhart, Chairman; Charles C. Baker, Indianapolis; Bernard C. Gavit, Bloomington.

The second committee appointed at the request of the special committee on Bill of Rights of the American Bar Association and to cooperate with that committee was also appointed. The Indiana State Bar Association's Committee consists of the following: Arthur L. Gilliom, Indianapolis, Chairman; Frank H. Hatfield, Evansville; Allen C. Lomont, Fort Wayne; Judge Harold L. Strickland, Hammond; James A. Emmert, Shelbyville. The purpose of this committee is to investigate alleged violation or threatened violation of the Bill of Rights and to take such steps as it may deem proper in defense of such rights which otherwise might go undefended. The resolution of the House of Delegates of the American Bar Association reads, in part, as follows:

"That the American Bar Association hereby creates a Special Committee on the Bill of Rights which shall consist of fourteen members and shall be authorized:

1. To investigate, or cause to be investigated, instances of seeming substantial violations or threatened violations of Bills of Rights, whether by legislative or administrative action or otherwise, and when authorized by the House of Delegates or Board of Governors or in case of emergency by the President, to make public its conclusions in respect thereto.

2. To take such steps as it may deem proper in the defense of such rights in instances which otherwise might go undefended, and, when authorized by the House of Delegates or Board of Governors or, in case of emergency, by the President, to appear as *amicus curiae* or otherwise in cases in which vital issues of civil liberty are deemed to be involved.

3. To disseminate information generally concerning our constitutional liberties to the end that violations thereof may be the better recognized and proper steps taken to prevent or correct them.

4. To cooperate with State and Local Bar Associations and with appropriate committees thereof and to do such other things as may be necessary or proper and are authorized by the Board of Governors' to carry out the purposes of this resolution."

It will be the function of the State Bar Association's committee to cooperate with the Special Committee of the American Bar Association and in this state to perform the same functions as that of the American Bar Association's committee.

